

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PETERS GALLERY OF NEW YORK, INC,  
*d/b/a* GERALD PETERS GALLERY,

Plaintiff,

-v -

SUCCESSORS-IN-INTEREST TO  
EBERSTADT & SONS AKA EDWARD  
EBERSTADT & SONS, *et al.*,

Defendants.

23-CV-3181 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

This action was filed on April 17, 2023. Rule 4(m) of the Federal Rules of Civil Procedure requires a defendant to be served with the summons and complaint within ninety days after the complaint is filed. The filing of an amended complaint does not restart the period for service under Rule 4(m). *See Sikhs for Just. v. Nath*, 893 F. Supp. 2d 598, 607 (S.D.N.Y. 2012) (collecting cases).

Plaintiff is directed to advise the Court in writing why it has failed to serve the summons and complaint on Defendants within the ninety-day period, or, if Defendants have been served, when and in what manner such service was made. If no written communication is received by August 9, 2023, showing good cause why such service was not made within ninety days, the Court will dismiss the case.

SO ORDERED.

Dated: July 26, 2023  
New York, New York

  
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J. PAUL OETKEN  
United States District Judge